

Burns, Marlene

PA2011-055

From: Wisneski, Brenda
Sent: Tuesday, September 03, 2013 8:07 AM
To: Burns, Marlene
Subject: FW: Woody's Wharf
Attachments: PersonWoody'sCityCouncilMay17'13.pdf

-----Original Message-----

From: Buzz Person [<mailto:buzz@buzzperson.com>]

Sent: Saturday, August 31, 2013 11:41 AM

To: Bradley Hillgren

Cc: Fred Ameri; Jay Myers; Kory Kramer; Ray Lawler; Larry Tucker; Brown, Tim; Kiff, Dave; Brandt, Kim; Wisneski, Brenda; doneil@hewittoneil.com; K. Stoddard; Johnson, Dale; NBPD Chief Web.; jreiss0@gmail.com; Drew.Wetherholt@marcusmillichap.com
Subject: Woody's Wharf

Dear Chairman Hillgren and Members of the Planning Commission,

I am a 68 year resident of Newport, a former two term planning commissioner and a 24 year resident of Cannery Village. I have just read the staff report on the above matter and find it incredulous that rather than recommending commencement of revocation proceedings against the Use Permit, Staff has chosen to recommend the legalization and expansion of this establishment.

On May 17th of this year, I copied you on a letter I sent to the City Council concerning the historical problems in our neighborhood as well as the policy of the Council established in the 1990's to maintain the status quo in this area, given the fine balance between conflicting uses which needs to be maintained in the area. I pointed out that this balance has become even more critical since the approval and construction of many new mixed use projects in this immediate area. As I said before and will reiterate at this point, as a resident in a mixed use area, my neighbors and I expect some inconvenience from commercial uses, specifically, Restaurant/Bar uses. It comes with the territory. Important in this thought is the recurring theme that the City cannot and should not permit the expansion of restaurant uses while at the same time encouraging a "mixed use environment," which the City clearly has been doing over the past twenty (20) years.

Please read carefully, in addition to my letter, the response from the Police Department to this request. Clearly, this operator has shown himself as one who intends to operate in a manner to enlarge his bottom line with no regard to his neighbors, you or anyone else at the City of Newport Beach. There is no reason to believe today that he will act any differently than he has over the past twenty four (24) months since he was well aware that there were problems in the community. It is for this reason that I believe that revocation proceedings might be more appropriate than following the staff's recommendation. I disagree with the Staff on this and I am hoping that if you are unwilling to commence revocation proceedings, that you will take appropriate action which would deny any expansion whatsoever.

Thank you for your consideration.

Regards,

James C. "Buzz" Person
Cannery Village

JAMES C. PERSON, JR.

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May 17, 2013

The Honorable Keith D. Curry, Mayor and
Members of the City Council
City of Newport Beach
100 Civic Center Drive
Newport Beach, CA 92660

Re: Cannery Village/McFadden Area/Woody's Wharf

Dear Mayor Curry and Members of the City Council:

As the time approaches for Woody's Wharf to return to the Planning Commission with its proposal to perpetuate what has been an operation in contravention of its permits, I thought I would take a moment to transmit some thoughts to you, the Planning Commission and the Staff.

The Woody's Wharf application is really not about Woody's Wharf at all. The sound that emanates from the operation is not of great consequence to myself or other neighbors except those immediately adjacent. The real issue concerns the well established City Council Policy concerning what is commonly referred to "Reporting District 15" of the Newport Beach Police Department, which encompasses my neighborhood, Cannery Village and adjacent McFadden Square.

Although most of you and staff were either not here or not involved, in the mid-1990's there was a serious problem in our area which involved the proliferation of bars and nightclubs in the area which created a multitude of problems for the residents and the Police Department. These problems included a lot of late night rowdiness, including public urination, breaking of private property and a myriad of other problems. The area literally became a "War Zone."

Unable to get much help with complaints, some residents took to the streets with video cameras documenting exactly what was going on at the time. From the City Manager, to the Police Chief, to the City Council and Planning Commission, all who saw the video where shocked and vowed to take action. Most of them, other than the Police had no idea what happens over here after about 10:00 p.m., Tuesdays through Saturdays.

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The Police, with support of the City Manager and City Council began active enforcement in the area at a great expense. Ultimately, the activity on the streets ended after months and months of increased Police Department man hours, staff time and a hearing in which the City Council denied dancing to The Cannery Restaurant. At that time, the City Council established a policy of not allowing any intensifications of uses in the area. This has been in place for about fifteen (15) years and I urge it to remain.

You need to understand that those of us who live in the area expect some inconveniences from restaurant and bar activities. We like living where we do but we believe that there needs to be a balance between the residential/commercial uses. That balance would be severely tilted if the City Council allowed any changes in operational characteristics of not just Woody's Wharf, but of any establishment that wanted to operate basically as a night club.

You, as a Council, and the Councils before you, through amendments to the General Plan, Zoning Code, and approvals of various projects containing mixed use (such as the new project right next to Woody's) have signaled to the community that you support and encourage this type of commercial/residential mix in this area. You cannot have it both ways. You cannot support this mixed use on the one hand and allow proliferation of types of uses which are contrary to such living on the other hand.

A new permit authorizing a night club use flies in the face of everything you and previous councils have been attempting to accomplish. It simply does not make any logical sense.

At the time we appeared before and met with the Council back in the 1990's, there was a plea on our behalf to maintain the "status quo" with regard to restaurant/bar intensification in Reporting District 15. The City Council responded affirmatively, establishing a policy which did just that by limiting new applications and any intensifications of existing uses.

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I urge you to continue that policy as it is a sound concept. As I said before, most residents in this area can accept a degree of inconvenience and peacefully co-exist with uses that can be bothersome or disruptive. If you change the balance, you should understand that the tilt can end up with consequences that are unacceptable and expensive to everyone, including the City as a whole..

As I indicated at the outset, the Woody's Wharf application has little to do with Woody's Wharf. What it has to do with the community at large.

Thank you for your attention and consideration.

Very truly yours,

JAMES C. PERSON, JR.

JCP/cl

cc: Planning Commission
David Kiff, City Manager (by electronic mail)
Kimberley Brandt, Community Development Director (by electronic mail)
Jay R. Johnson, Police Chief (by electronic mail)